

REMARKS

Claims 1-2, 4-5, 7-10, 13, and 17 have been amended. No new claims have been added. Claims 3, 6, 11-12, 14-16, and 18-19 have been canceled. Claims 1-2, 4-5, 7-10, 13, and 17 are pending.

Claims 1-19 stand rejected under the judicially created doctrine of obviousness based double patenting with respect to claims 1-6 of U.S. Patent No. 6,721,578. A terminal disclaimer with respect to U.S. Patent 6,721,578 is being concurrently filed with this response. Accordingly, the judicially created doctrine of obviousness based double patenting should be withdrawn from claim 1-19.

Claims 1-2, 4-5, 7-10, 13, and 17 stand rejected under 35 U.S.C. 102(a) as being anticipated by Kamada (U.S. Publication 2002-0123336). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, “wherein, upon a wireless device requesting download of content from a network server said one or more network servers transmits an interactive screen associated with the requested content to the computer platform of the wireless device prior to downloading the requested content to the wireless device, and the wireless device limits access to the requested content to be downloaded by displaying the interactive screen on the graphic display thereof.”

Claim 7 recites, *inter alia*, “wherein, upon the wireless communication means requesting to download content from the first download means, the second download means transmits an interactive screen corresponding to the requested content to the computer platform means of the wireless communication means prior to the first download means downloading the requested content to the wireless communication means, and the wireless communication means displaying the interactive screen corresponding to the requested content on the graphic display thereof.”

Claim 8 recites, *inter alia*, “responsive to a request to download content from one of the wireless devices, transmitting an interactive screen associated with the requested content to the computer platform of the wireless device across the wireless network prior to transmitting the

requested content downloading the data to the requesting wireless device; and transmitting the requested content to the computer platform of the wireless device after receiving a signal from the wireless device indicating that the user of the wireless device interacted with the transmitted interactive screen in a predetermined manner.”

Claim 13 recites, *inter alia*, “responsive to said sending the request, and prior to receiving the requested content: receiving an interactive screen associated with the requested download; presenting the interactive screen the graphic display to permit an interaction with an user of the wireless device; and sending a signal to the network server when interaction corresponds to a predetermined action; and responsive to said sending the signal: receiving said content from said network server.”

Claim 17 recites, *inter alia*, “responsive to said sending the request, and prior to receiving the requested content: receiving an interactive screen associated with the requested download; presenting the interactive screen the graphic display to permit an interaction with an user of the wireless device; and sending a signal to the network server indicative of the interaction corresponding to a predetermined action; and responsive to said sending the signal: receiving said content from said network server.”

Kamada discloses a system for providing application downloads to wireless devices which have small capacity non-volatile storage. See paragraph [0004]. More specifically, Kamada discloses providing, on a storage server, a storage area for each user of a wireless device, and storing software requested/purchased by a user of the wireless device in the storage area associated with that user without sending that software directly to the wireless device. Paragraph [0012].

The Office Action alleges that the claimed inventions are anticipated by Kamada by citing to paragraph [0083] and Fig. 12.

Paragraph [0083] is associated with Fig. 8, and describes (in combination with paragraph [0084]) what happens when a user in Kamada’s system interacts with an “sales server.” More specifically, Kamada discloses in steps S11-S12 (Fig. 8) authenticating the wireless user, and if authenticated continuing with step S13. If not authenticated, the method

stops. At step S13, a list of applications which may be purchased is listed. The method continues at step S14, where the user is accorded an opportunity to purchase one of the applications. If a purchase is made, the method continues at step S15. If no purchase is made, the method ends. At step S15, payment is processed, and the method continues at step S16 by sending the “application body” or “application identification information) to the storage area associated with the user on the storage server. Finally, the method ends at step S17 where the user is sent a notification message. Paragraphs [0083] – [0084]; Fig. 8.

Fig. 12 is an exemplary illustration of an interactive screen suitable for identifying whether a user “is a member of the sales site or a storage server site.” Paragraph [0035]. That is, Fig. 12 is the “login” screen associated with the authentication performed in steps S11-S12 of Fig. 8 (described above), and not with any particular one of the applications which the system of could download to the storage server on behalf of the user, on the assumption that the user satisfies the login requirements.

Kamada therefore fails to disclose or suggest the above quoted portions of independent claim 1, which requires that one of the servers “transmits an interactive screen corresponding to the requested content to the computer platform means of the wireless communication means prior to the first download means downloading the requested content to the wireless communication means” and “the wireless communication means displaying the interactive screen corresponding to the requested content on the graphic display thereof” (emphasis added). Independent claims 7, 8, 13, and 17 recites similar limitations, which are also not disclosed or suggested by Kamada.

Accordingly, independent claims 1, 7, 8, 13, and 17 are believed to be allowable over the prior art of record. The dependent claims are believed to be allowable for at least the same reasons as the independent claims.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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